

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LINDA MCCORMICK

Plaintiff,

CASE NUMBER: 06-11719
HONORABLE VICTORIA A. ROBERTS

v.

HANOVER INSURANCE GROUP, INC., and
its Subsidiary HANOVER INSURANCE COMPANY
Jointly and Severally,

Defendants.

_____ /

ORDER

On January 8, 2007, this Court entered an Order dismissing Plaintiff's *Motion to Hold in Abeyance the Running of the Time Period for Filing Rehearing of the Order of Dismissal Until Final Decision on the Pending Motion For Recusal and Motion for Recusal*. On the same day, Plaintiff filed an *Amendment to Prior Filed Motion of Recusal* and an *Amendment to Prior-Filed Motion for Rehearing*, pursuant to FED. R. CIV. P. 15(a). While leave to amend is freely granted where justice requires, a motion to amend a complaint will be denied if the amendment would be futile. See FED. R. CIV. P. 15(a); *Forman v. Davis*, 371 U.S. 178, 183 (1962); *Leary v. Daeschner*, 349 F.3d 888, 905 (6th Cir. 2003). The controlling factor is "futility" and the court should not grant the motion to amend if the amendment could not withstand a motion to dismiss. *Id.*

The Court finds it would be futile to allow Plaintiff to amend pleadings the Court already dismissed.

The Court **DENIES** Plaintiff's motions to amend.

IT IS SO ORDERED.

s/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: January 17, 2007

The undersigned certifies that a copy of this document was served on the attorneys of record and Linda McCormick by electronic means or U.S. Mail on January 17, 2007.

s/Linda Vertriest

Deputy Clerk